

REMARKS

This paper is being filed in response to the Notice of Non-Compliant Amendment dated 01/06/2009. The above-presented claims are based on the set of claims received in the US Patent Office 09/26/2007.

Claims 1 – 6, 10 – 15, and 19 – 21 are currently pending in the present application with claims 7 – 9 being withdrawn. Claims 1, 13 and 14 have been amended and Claims 16-18 are cancelled without prejudice.

With respect to the rejection of claims 1 - 18 under 35 U.S.C. §112, second paragraph, Applicants hereby declare that claim 1 is intended to be drawn to the subcombination of a guide assembly. It is submitted that these rejections of claims 1 - 18 under 35 U.S.C. §112, second paragraph, are now obviated in view of the amendments of claims 1 and 3 and the cancellation of claims 16 - 18.

It is respectfully submitted that claim 1 as currently amended, claims 2 – 6, 10 – 15, 20, and 21 depending ultimately therefrom, and claim 19 all patentably define over the prior art of record. For example, DE 298 17 743 U does not teach or disclose the guide assembly recited in claim 1 of the present application. The Office Action notes that DE 298 17 743 U discloses "compensating elements" 34 – 37 yet it is not seen that elements 34 – 37 of DE 298 17 743 U are, as recited in claim 1 of the present application, configured to mount at least one guide rail of each of the pair of guide rails at one of the sidewalls at an acute angle to the sidewall, the angle being defined to extend the rails of the pair of guide rails parallel to one another.

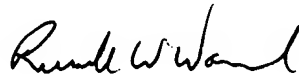
With respect to Kaiser US Patent No. 6,641,239, it is submitted that Kaiser US Patent No. 6,641,239 does not qualify as prior art, including prior art under 35 U.S.C. §102(e), for the reason that the present application is entitled to the filing date of German Patent Application 10126841.6 having a filing date of June 1, 2001 and, as such, Kaiser

US Patent No. 6,641,239 does not qualify as prior art, including prior art under 35 U.S.C. §102(e).

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 1 – 6, 10 – 15, and 19 – 21 are respectfully requested and it is respectfully requested that withdrawn claims 7 – 9 now be favorably considered. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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